

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ARTHUR LEE GARRISON,

Petitioner,

3:15-cv-00429-RCJ-WGC

vs.

MINUTES OF THE COURT

RENEE BAKER, *et al.*,

November 6, 2015

Respondents.

_____ /

PRESENT:

THE HONORABLE ROBERT C. JONES, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: JAMES R. BARKLEY REPORTER: NONE APPEARING

COUNSEL FOR PETITIONER: NONE APPEARING

COUNSEL FOR RESPONDENTS: NONE APPEARING

MINUTE ORDER IN CHAMBERS: XXX

On September 25, 2015, the court entered an order and judgment dismissing this case because petitioner filed it nominally as a habeas proceeding under 28 U.S.C. § 2254 when it is clear that the more appropriate avenue for the relief he seeks is an action under 42 U.S.C. § 1983. ECF Nos. 5 and 6. Pursuant to that order, the Clerk provided the petitioner with the forms necessary to file a civil rights complaint under § 1983. Despite being advised in at least two previous orders that a § 1983 action must be brought as **new** case, petitioner has filed yet another motion and has submitted what appears to be an attempted partial payment of a filing fee, both under the above-captioned case number. ECF Nos. 14 and 15.

Once again, petition is instructed as follows. This action is **CLOSED**. Any further proceedings must be initiated as a **NEW** case. If he chooses to pursue relief from this court, petitioner must file a § 1983 complaint (on the court's approved form) and either pay the filing

fee or file a motion for leave to proceed *in forma pauperis*. The complaint and any accompanying motion will be assigned a new case number by the Clerk.

IT IS THEREFORE ORDERED that petitioner's motion (ECF No. 14) is DENIED as moot.

IT IS FURTHER ORDERED that the finance department of this court shall refund to the petitioner the money received from him on November 6, 2015 – i.e., \$6.67.

LANCE S. WILSON, CLERK

By: /s/ James R. Barkley
Deputy Clerk